

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Hang Zhang,
Plaintiff,
v.
Daniel Driscoll, Department of the Army,
Defendant.

CONSOLIDATED EXHIBIT
MOTION TO RELATE AND PRELIMINARY INJUNCTION

Exhibit No.	Title
Exhibit A	Reassignment Memo (May 2023)
Exhibit B	Formal EEO Complaint (June 2023 excerpt)
Exhibit C	ROI Admissions Against Interest
Exhibit D	Meeting Exclusion Emails
Exhibit E	Award Rescission Email (January 2025)
Exhibit F	Procedural Delay and Unauthorized Disclosure Emails
Exhibit G	Leadership Realignment Email
Exhibit H	Selected Performance Appraisal (2019-22 Excerpt)
Exhibit I	Timeline of Adverse Events and Systemic Misconduct
Exhibit J	Supplemental Evidentiary Excerpts

*These exhibits are submitted in support of Plaintiff's Motion to Relate and Motion for Preliminary Injunction in Case No. 3:24-cv-01414-WHA (AFL-CIO v. OPM), pending before the Honorable William Alsup.

EXHIBIT A REASSIGNMENT MEMO (MAY 2023)

From: Johnathan Gajdos, Ph.D., Associate Provost for Undergraduate Education, DLIFLC
To: [Redacted – Employee Names]
CC: [Redacted – Administrative Group Emails if any]
Date: May 2023
Subject: UGE SLS Assignments

Dear Colleagues,

Thank you for providing input on your preferences about school assignments. I reviewed your input personally and worked hard to match each of you with a school where you can flourish. It was not always possible to find an assignment among your preferred schools, but please know I considered the input you each provided.

The assignments are as follows:

- UCM: [Redacted – Employee Name]
- UCR: Hang Zhang
- UKP: [Redacted – Employee Name]
- UMA: [Redacted – Employee Name]
- UMB: [Redacted – Employee Name]
- UML: [Redacted – Employee Name]
- UPF: [Redacted – Employee Name]
- URU: [Redacted – Employee Name]

Over the next month, we will work on the necessary personnel actions and moves. Your new dean and school leadership will reach out to help you integrate into your new school.

Best regards,
Johnathan Gajdos
Associate Provost for Undergraduate Education
[Redacted – Office Phone]
[redacted email]

EXHIBIT B FORMAL EEO COMPLAINT (JUNE 2023 EXCERPT)

I am currently employed as a Student Learning Specialist at DLI-FLC. I was reassigned against my will to the UCR Chinese School in early May 2023.

Following the reassignment:

- I was the only employee assigned based on ethnicity (Chinese) among similarly situated instructors.
- I was tasked with dual responsibilities: Student Learning Specialist duties and mandatory Chinese language instruction.
- No Caucasian male colleagues were assigned comparable dual roles.

This reassignment deviated from merit-based procedures outlined in DLIFLC Command Policy #6 and disproportionately targeted me based on race (Chinese) and gender (female).

I initiated EEO counseling and filed a formal EEO Complaint in June 2023, alleging race, national origin, and sex discrimination.

EXHIBIT C ROI ADMISSIONS AGAINST INTEREST

Excerpt 1 – Testimony of Dr. Munajat (ROI p. 451):

"Go back to the Chinese School."

Excerpt 2 – Testimony of Dr. Gajdos (ROI p. 227):

"That should be a conversation—it doesn't necessarily mean I don't see that that is discriminatory either."

Excerpt 3 – Testimony of Dr. Gajdos (ROI p. 405):

"Consulted TDA files in reassignments, but acknowledged inconsistencies in how language designations were applied."

EXHIBIT D MEETING EXCLUSION EMAILS (FEBRUARY 2025)

Email 1:

From: Hang Zhang ([REDACTED EMAIL])

To: Yali Chen ([REDACTED EMAIL])

Date: February, 2025

Subject: Scheduling

Dear Yali,

Thank you for your guidance regarding elective scheduling.

As this directly relates to my responsibilities, could you clarify why I was not included or informed of the recent meeting between you, [redacted name], and Marinela, particularly as I am expected to implement the discussed scheduling practices?

Thank you for your support.

Sincerely,

Hang Zhang

Reply Email 2:

From: Yali Chen ([REDACTED EMAIL])

To: Hang Zhang ([REDACTED EMAIL])

Date: February, 2025

Subject: Re: Scheduling

Dear Hang,

Thank you for bringing this to my attention. There was no formal meeting between Marinela, David, and myself. It was an impromptu conversation while Marinela was asking about a student orientation slide, and David arrived to discuss a separate matter.

I apologize for any miscommunication and assure you that I value your contributions equally. Please let me know if you would like to meet to clarify any other points.

Sincerely,

Yali Chen

EXHIBIT E AWARD RESCISSION EMAIL (FEBRUARY 2025)

Email:

From: Hang Zhang ([REDACTED EMAIL])

To: Marinela Cyriacks ([REDACTED EMAIL])

Date: February, 2025

Subject: Award Ceremony

Dear Marinela,

Thank you for your call last week and for recommending me for the quarterly award.

I have not yet received any emails or announcements regarding the award ceremony.

Has the ceremony been postponed? If possible, could you advise where I might check the final awardee list?

Thank you again for your support and recommendation.

Sincerely,

EXHIBIT F – SUMMARY OF PROCEDURAL DELAY AND UNAUTHORIZED DISCLOSURE COMMUNICATIONS (FEBRUARY 2025)

In a series of internal emails dated February 2025, the Complainant reported improper and unauthorized disclosure of privileged materials by Agency legal personnel. Despite the Complainant's formal request for remedial action, no corrective steps were taken by Agency leadership.

A follow-up message later that month reiterated the complaint and documented retaliatory acts, including:

- Sudden removal from award eligibility,
- Exclusion from key internal meetings, and
- Further unauthorized transmission of privileged information.

These messages reflect a clear timeline of protected activity and subsequent adverse action, consistent with a pattern of retaliation. Full, unredacted versions available for in camera review if required.

EXHIBIT G - LEADERSHIP REALIGNMENT COMMUNICATION (2024)

From: Dr. Johnathan Gajdos, Associate Provost
To: DLIFLC Faculty and Staff
Date: May 2024
Subject: Updates

...

On the topic of realignment, thank you to all who have submitted feedback. It has helped shape our decisions and planning. Last week, our academic support personnel were notified of their new assignments. The stability and experience that our academic support team will bring across UGE will serve our students, faculty, and staff well. Your school leadership teams are hard at work on the logistics of moves, name changes, and team building.

...

EXHIBIT F – DISCRIMINATORY DISCLOSURE AND RELATED RETALIATION

In late 2024, agency leadership disseminated the Complainant's EEO activity status within the chain of command. This constitutes a breach of confidentiality and supports an inference of intent to isolate and chill protected activity.

In February 2025, Plaintiff submitted internal complaints regarding unauthorized disclosures and adverse actions, but received no response.

EXHIBIT H – SELECTED PERFORMANCE APPRAISAL (2019–2022 EXCERPT)

Employee Name: Hang Zhang

Agency: Defense Language Institute Foreign Language Center (DLIFLC)

Evaluation Period: 2019–2022

Final Overall Rating: Outstanding

Summary of Evaluation Comments:

- Consistently exceeds expectations in all evaluated performance areas.
- Demonstrates exemplary contributions to student academic development, faculty training, and curriculum innovation.
- Maintains superior communication with leadership and consistently achieves top-tier student feedback ratings.
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EXHIBIT I – TIMELINE OF ADVERSE EVENTS AND SYSTEMIC MISCONDUCT

Summary:

This Timeline summarizes key adverse employment actions, retaliatory acts, and procedural misconduct directed at Plaintiff from May 2023 through Spring 2025.

The Timeline illustrates a systemic pattern of retaliation and administrative abuse during and after the federal restructuring at DLIFLC, consistent with allegations raised in *AFGE v. OPM*.

Since 2021

- Employees coded “99” (probationary) encouraged to find other jobs amid restructuring, fueling widespread anxiety.

In and Around Apr 2023

- First marginal appraisal issued due to restructuring.
- Senior decision-maker used repeatedly discriminatory language ("go back to Chinese school").

May 2023

- Plaintiff reassigned under questionable criteria, influenced by ethnicity, gender and national origin.
- Comparator Caucasian Male A received preferred reassignment without similar burdens.
- Comparator Caucasian Male B was not reassigned with similar burdens.

June 2023

- Plaintiff initiated EEO contact.
- Subsequent discriminatory denials of reassignment opportunities.

May–October 2024

- Continued discriminatory non-selection for key positions despite qualifications.
- Filing of Motion for Summary Judgment at EEOC; Agency engaged in procedural delay.

December 2024

- Agency publicly urged senior leadership to disseminate Plaintiff’s EEO status in writing.
- Evidence of internal hostility escalated.
- Denial of qualified position and public humiliation during job interview.

January–February 2025

- Award rescinded.

- Unauthorized disclosure of privileged material to Plaintiff.

April 2025

- Agency oversight failure documented.
- Institutional acknowledgments of procedural dysfunction.

Spring 2025

- Heavy DPMAP irregularities documented.

EXHIBIT J – SUPPLEMENTAL EVIDENTIARY SUMMARY**I. Teaching Designation Discrepancy (TDA Manipulation)**

In early 2025, the agency's Teaching Designation Assignment (TDA) file showed that a comparator's language designation was omitted, contradicting the agency's stated policy of universal designation. Plaintiff's own designation remained and was used to justify increased teaching burdens. Agency admissions in the ROI confirm that TDA files were consulted, but applied inconsistently.

This supports claims of discriminatory record manipulation and due process violations.

II. Appraisal Manipulation and Step Denial

Plaintiff received no step increases during the relevant period, despite strong performance, multiple awards, and assurances of higher ratings. In 2023, leadership imposed a blanket bar on "Outstanding" ratings during restructuring, resulting in a "Marginal" appraisal. In 2024, her evaluation showed signs of tampering—supervisors' signatures postdated hers, and the final rating was lower than what had been officially discussed. These irregularities underscore a broader pattern of procedural retaliation.

This supports claims of retaliatory record manipulation and due process violations.

III. Procedural Retaliation and Counsel Misconduct

In the end of 2024, internal legal counsel instructed agency officials to "disseminate" information regarding Plaintiff's protected EEO activity. In early 2025, Plaintiff received unsolicited privileged communications, implicating her in unrelated proceedings. These actions were reported to EEO, but no acknowledgment or remediation occurred.

This demonstrates procedural obstruction and retaliatory targeting that persisted into 2025.

IV. Continuing Violation and Equitable Tolling (Short Form for PI Filing)

Plaintiff's protected activity and the agency's adverse responses form a continuous sequence of retaliatory acts from May 2023 to Spring 2025. These include reassignment, job non-selections, marginal appraisals, rescinded awards, exclusion from meetings, and procedural interference. Each act followed or coincided with Plaintiff's EEO engagement, forming a connected pattern of unlawful conduct.

Accordingly, Plaintiff invokes the continuing violation doctrine to preserve claims tied to this timeline, and asserts equitable tolling based on the agency's procedural misconduct, including delays, interference, and internal suppression of complaints.